



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,126	11/21/2003	Craig Miller	81091282	1125

28395 7590 08/01/2005

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,126

Applicant(s)

MILLER ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7,8 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 7,8 and 10-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 21, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

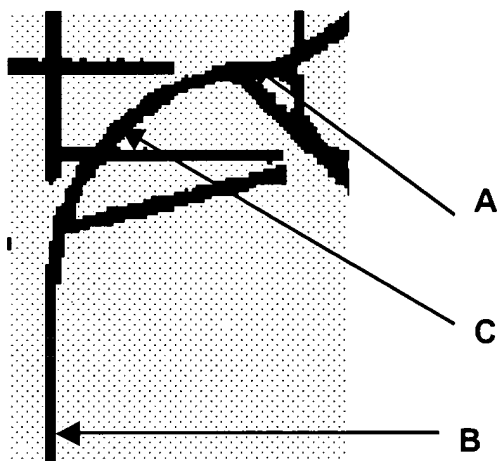
3. Claims 1, 2, 4-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Morefield (US 6,536,983).

As to claim 1, Morefield discloses a reduced radius hem assembly comprising:

an inner panel **12** including an inner surface **A** (Figure 6 reprinted below with annotations) and an outer surface **42** on opposite parallel sides that are spaced apart by the thickness of the inner panel, the inner panel having an outwardly extending perimeter flange **22** terminating as an end **B** disposed in a first plane the end having a height dimension that is less than the thickness of the inner panel, the inner surface lying in a second plane that is generally perpendicular to the end, and a beveled surface

Art Unit: 3679

C located between and contiguous with the end and the inner surface, the beveled surface being disposed inboard of the intersection of the first and second planes; and an outer panel **14** having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion **66** wherein the intermediate portion is adjacent to the beveled surface of the perimeter flange and the end portion overlies a portion of the inner surface of the perimeter flange (Figures 6 and 7).



As to claim 2, Morefield discloses a hem assembly wherein the thickness of the inner panel **12** (at flange **22**) is greater than the thickness of the outer panel **14** (Figure 6).

As to claim 4, Morefield discloses a hem assembly wherein the perimeter flange **22** of the inner panel **12** is provided with the beveled surface **C** that extends across a portion of the perimeter flange (Figure 6).

As to claim 5, Morefield discloses a hem assembly wherein the hem assembly includes areas that define cut lines (inherently, inner and outer panels **12,14** are cut from larger sheets of material) and wherein the beveled surface **C** is provided in the areas defining cut lines.

As to claim 6, Morefield discloses a hem assembly wherein the hem assembly includes areas that define surface curvature and wherein the beveled surface **C** is provided in the areas defining surface curvature (Figure 6).

As to claim 9, Morefield discloses a reduced radius hem for an inner sheet form panel that is hemmed by an outer panel, the inner panel **12** having an outwardly extending peripheral flange **22** having a nominal thickness, the peripheral flange comprising an end **B** that has a height that is less than the nominal thickness of the flange, an inboard surface **A** that is perpendicular to the end, and a beveled surface **C** located between and contiguous with both the end and the inboard surface, the beveled surface disposed in a plane that is recessed relative to the end and the inboard surface, the outer panel **14** having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion **66** whereby the beveled surface at least partially receives the intermediate portion of the peripheral edge of the outer panel (Figures 6 and 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morefield in view of Hobbs et al. (US 5,613,726).

As to claim 3, Morefield fails to disclose a hem assembly wherein the inner panel comprises a magnesium composite material.

Hobbs et al. teach a hem assembly wherein a sheet metal panel comprises a magnesium composite material; the magnesium composite material providing for a strong, lightweight, corrosion resistant, weldable panel (column 6 lines 56-60). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an assembly as disclosed by Morefield to have an inner panel comprising a magnesium composite as taught by Hobbs et al. in order to provide for a strong, lightweight, corrosion resistant, weldable panel.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The limitations of "the peripheral flange having a nominal thickness, the peripheral flange comprising an end that has a height that is less than the nominal thickness of the flange, the inboard surface being perpendicular to the end, and the beveled surface being located between and contiguous with both the end and the inboard surface, the beveled surface disposed in a plane that is recessed relative to the end and the inboard surface" added to claims 1 and 9 necessitate the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3679


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
07/19/05



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600